

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

WANDA E. SMITH-JETER,) CASE NO. C04-1931-MAT
Plaintiff,)
v.) ORDER RE: MOTION REGARDING
HOUSING HOPE,) DISCOVERY AND DISPOSITIVE
Defendant.) MOTION DEADLINES

Defendant filed a motion seeking: (1) an extension of the discovery deadline from June 27, 2005 to July 26, 2005; (2) an order requiring plaintiff to appear for the continuation of her deposition on July 22, 2005; and (3) an extension of the dispositive motion deadline from July 25, 2005 to August 23, 2005. (Dkt. 14) This motion stems from defendant's inability to complete plaintiff's deposition prior to the expiration of the discovery deadline. Defendant argues good cause for the extension exists given the fact that plaintiff's deposition commenced before the discovery deadline expired, because the deposition was delayed due to vehicle problems beyond the control of defendant's counsel, and because plaintiff failed to appear as agreed for a continuation of her deposition. Plaintiff, proceeding *pro se* and *in forma pauperis* in this matter, submitted an untimely opposition. (Dkt. 15.) Having considered defendant's motion, the Court hereby finds and ORDERS:

(1) Defendant fails to show good cause for an extension of the discovery deadline.

01 Defendant scheduled plaintiff's deposition for the very day the discovery deadline in this matter
02 expired. Also, defendant scheduled the deposition for an hour that left little time that day for the
03 completion of the deposition. (See Dkt. 14 at 6 (defendant's counsel indicates that the deposition
04 commenced on June 27, 2005 at 3:00 p.m., one hour later than scheduled)). As such, it cannot
05 be said that the one hour delay due to car trouble or plaintiff's failure to appear for a continuation
06 of the deposition after the expiration of the discovery deadline, as opposed to defendant's own
07 scheduling, accounted for defendant's inability to complete the deposition. Moreover, as stated
08 in the Court's March 9, 2005 scheduling order: "Failure to complete discovery within the time
09 allowed is not recognized as good cause." (Dkt. 12 at 2.) Accordingly, defendant's request to
10 extend the discovery deadline in this case is DENIED.

11 (2) However, given the timing of this order in relation to the impending dispositive
12 motion deadline, the Court does find cause to provide a brief extension of the dispositive motion
13 deadline. As such, the Court GRANTS an extension of the dispositive motion deadline to
14 **August 1, 2005**. Any opposition or reply to such a motion must be timely filed in accordance with
15 Local Civil Rule 7(d)(3).

16 (3) The Clerk is directed to send copies of this order to plaintiff and to counsel for
17 defendant.

18 DATED this 21st day of July, 2005.

19 
20 _____
21 Mary Alice Theiler
22 United States Magistrate Judge
23
24
25
26